

**THE CASAS LAW FIRM, P.C.**

John V. Golaszewski, Esq. (NYSB 4121091)  
1745 Broadway, 17<sup>th</sup> Floor  
New York, New York  
Telephone No.: (855) 267-4457  
Facsimile No.: (855) 220-9626  
Email: john@casaslawfirm.com

Joseph N. Casas, Esq. (CASB 225800)\*  
402 West Broadway Street, Suite No. 400  
San Diego, CA 92101  
E-Mail: joseph@casaslawfirm.com  
*\*pro hac vice application pending*

Dennis Postiglione, Esq. (TXSB 24041711)\*  
3801 N. Capital of Texas Highway, Ste. E320, #445  
Austin, Texas 78746  
E-Mail: dennis@casaslawfirm.com  
*\*pro hac vice application pending*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JAIME EDMONDSON, CIELO JEAN GIBSON,  
JESSICA BURCIAGA, TIFFANY TOTH, SARA  
UNDERWOOD, JESSA HINTON, JOANNA  
KRUPA, JESSICA KILLINGS, SANDRA  
VALENCIA, JENNIFER WALCOTT  
ARCHULETTA, MARIANNA DAVALOS, CAMILA  
DAVALOS, JORDAN CARVER, KATE SULLIVAN,  
BRENDA GEIGER, BROOKE JOHNSON, CORA  
SKINNER, LAURIE YOUNG, LINA POSADA,  
MEGAN DANIELS, RACHEL KOREN, EVA PEPAJ,  
MELANIE IGLESIAS, ALYSSA NOBRIGA, JAMIE  
MIDDLETON, ROSA ACOSTA, PAOLO CANAS,  
BROOKE BANX, SHEENA LEE WEBER, URSULA  
MAYES, ROSIE JONES, ASHLEY HOBBS, ALANA  
CAMPOS, KATARINA VAN DERHAM, ARIANNY  
CELESTE, JAMILLETTE GAXIOLA, ANYA  
MONZIKOVA, AMBER LANCASTER, CAITLIN  
O'CONNOR, JAYDE NICOLE, BRITTANY  
WILCOX, JESSICA ROCKWELL, AMANDA  
CERNY, JUSTENE JARO, SHELBY CHESNES,  
LEANNA DECKER, BRANDE RODERICK,  
MARTA KRUPA, VIDA GUERRA, CARMEN  
ELECTRA, and ANYA MONZIKOVA,

Civil Action No. \_\_\_\_\_

**COMPLAINT**

(Jury Trial Demanded)

Plaintiffs,

-against-

RCI HOSPITALITY HOLDINGS, INC.,  
PEREGRINE ENTERPRISES, INC., RCI DINING  
SERVICES (37<sup>TH</sup> STREET), INC., and ERIC  
LANGAN,

Defendants.

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Plaintiffs JAIME EDMONDSON, CIELO JEAN GIBSON, TIFFANY TOTH, JESSICA BURCIAGA, SARA UNDERWOOD, JESSA HINTON, JOANNA KRUPA, JESSICA KILLINGS, SANDRA VALENCIA, JENNIFER WALCOTT ARCHULETTA, MARIANNA DAVALOS, CAMILA DAVALOS, JORDAN CARVER, KATE SULLIVAN, BRENDA GEIGER, BROOKE JOHNSON, CORA SKINNER, LAURIE YOUNG, LINA POSADA, MEGAN DANIELS, RACHEL KOREN, EVA PEPAJ, MELANIE IGLESIAS, ALYSSA NOBRIGA, JAMIE MIDDLETON, ROSA ACOSTA, PAOLO CANAS, BROOKE BANX, SHEENA LEE WEBER, URSULA MAYES, ROSIE JONES, ASHLEY HOBBS, ALANA CAMPOS, KATARINA VAN DERHAM, ARIANNY CELESTE, JAMILLETTE GAXIOLA, ANYA MONZIKOVA, AMBER LANCASTER, CAITLIN O’CONNOR, JAYDE NICOLE, BRITTANY WILCOX, JESSICA ROCKWELL, AMANDA CERNY, JUSTENE JARO, SHELBY CHESNES, LEANNA DECKER, BRANDIE RODERICK, MARTA KRUPA, VIDA GUERRA, CARMEN ELECTRA, and ANYA MONZIKOVA (collectively, “Plaintiffs”), by and through their undersigned counsel, as and for their Complaint against defendants RCI HOSPITALITY HOLDINGS, INC., PEREGRINE ENTERPRISES, INC., RCI DINING SERVICES (37<sup>TH</sup> STREET), INC., and ERIC LANGAN (collectively, “Defendants”), respectfully allege as follows:

## **BACKGROUND**

1. This is an action for damages and injunctive relief relating to Defendants' scheme to misappropriate, alter, and publish sexually suggestive images of Plaintiffs (each of whom are professional models and/or actresses), in order to promote more than forty (40) strip clubs throughout the United States owned by defendant RCI Hospitality Holding, Inc. ("RCI Hospitality").

2. Defendants' theft and unauthorized use of Plaintiffs' images, photos and likenesses (collectively, "Images") constitutes, at minimum: a) violation of section 43 of the Lanham Act, 28 U.S.C. § 1125(a)(1), prohibiting false or misleading use of a person's image for purposes of advertising; b) violation of New York Civil Rights Law §§ 50-51, which protects a person's right to privacy and publicity; c) violation of New York's Deceptive Trade Practices Act (New York G.B.L. §349) which prohibits deceptive business practices; d) defamation, and; e) various common law torts.

3. As set forth herein, defendant RCI Hospitality owns and operates forty-three (43) strip clubs throughout the United States, marketed under various RCI Hospitality brands, including Rick's Cabaret, Vivid Cabaret, Club Onyx, Jaguars Club, and XTC Cabaret. *See* Exhibit "A", RCI Hospitality Company Profile, listing the various RCI Hospitality-related brands, as found on the RCI Holding website, [www.rcihospitality.com](http://www.rcihospitality.com) (hereinafter, the "RCI Hospitality Website").

4. RCI Hospitality has developed and instituted a policy of misappropriation, alteration, and publication of Images (including Plaintiffs') they have not paid for, and to which they have no legal right, in order to market and promote their strip clubs (hereinafter, the "Rick's Clubs," or the "Clubs), and the Rick's Club's brand, nationwide. This policy of misappropriation has been implemented by the individual Rick's Clubs, as specifically

articulated herein.

5. The interconnected advertising, branding, and internet and social media presence and strategy of all of the Rick's Clubs, as well as RCI Hospitality's control over the same, is underscored by the fact that *each of the Rick's Clubs are advertised on the RCI Hospitality Website*, and in RCI press releases, wherein the various RCI Hospitality brands are set forth:

With 43 units, RCI Hospitality Holdings, Inc., through its subsidiaries, is the country's leading company in adult gentlemen clubs and sports bars/restaurants. Adult clubs in New York City, Miami, Philadelphia, Charlotte, Dallas/Ft. Worth, Houston, Minneapolis, Indianapolis and other cities operate under brand names, such as "Rick's Cabaret," "XTC," "Club Onyx," "Vivid Cabaret," "Jaguars" and "Tootsie's Cabaret." Sports bars/restaurants operate under the brand name "Bombshells." Please visit <http://www.rcihospitality.com>

(See Exhibit "B", at 5) RCI Hospitality promotes itself as having "extensive experience in gentlemen's club development, marketing, management, IT, and security. We know how to grow revenues and profits." (Exhibit A, at 1).

6. In point of fact, RCI Hospitality's marketing strategy to "grow revenues and profits" includes misappropriating, altering, and publishing Images of Plaintiffs, who are professional, world-renowned, and extremely well compensated models and/or actresses, and who collectively have tens of millions of social media followers and impressions.

7. Moreover, as detailed below, and further emphasizing the various Rick's Clubs' implementation of RCI Hospitality's strategy of misappropriation, is the fact that Images of many of the Plaintiffs were used by multiple Rick's Clubs.

8. For example, misappropriated Images of Jessica Burciaga, a world famous model and actress with more than four (4) million social media followers,<sup>1</sup> were published on the social

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<sup>1</sup> In the modeling industry, the number of social media followers a model has is a strong indication of her popularity and, thus, earning potential.

media accounts for six (6) different Rick's Clubs: Rick's Cabaret DFW (Dallas-Fort Worth); Rick's North Austin; Rick's Cabaret East; Rick's Jaguars Edinburg; Rick's XTC Cabaret San Antonio; and Rick's Temptations Cabaret. Similarly, stolen Images of Plaintiff Cielo Jean Gibson, another renowned model, were published on the social media accounts of four (4) Rick's Clubs: Rick's Cabaret New York; Rick's North Austin; Rick's XTC Cabaret North, and; Rick's Temptations Sulphur. Finally, stolen Images of name Plaintiff Jaime Edmondson, a former police officer and mother of two, were published on the social media accounts for eight (8) different Rick's Clubs: Rick's Sporting Saloon in New Orleans; Rick's Cabaret East; Rick's Jaguars Abilene; Rick's Down in Texas Saloon; Rick's Tootsie's Cabaret Miami; Rick's XTC Cabaret Dallas; Rick's Temptations Sulphur, and; Rick's Jaguars Phoenix.

9. These three Plaintiffs alone – and this Complaint names fifty (50) Plaintiffs in total – implicate fifteen (15) Rick's Clubs as participating in the concerted scheme of misappropriating Plaintiffs' Images, and publishing them, without consent or remuneration, on the Rick's Clubs' social media accounts in order to promote the Clubs, and the Rick's brand. Additional Rick's Clubs involved in the scheme are set forth herein.

10. This sharing of Images of particular Plaintiffs by and among the Clubs provides additional support for Plaintiffs' claim that RCI Hospitality's policy and strategy of misappropriation has been instituted at Rick's Clubs nationwide for the purpose of advertising the Clubs, promoting the Rick's brand, and earning revenue for RCI Hospitality.

11. In addition to the actual, punitive and exemplary damages set forth below, Plaintiffs likewise seek an Order from this Court permanently enjoining Defendants, and any and all subsidiaries, from using Plaintiffs' Images to promote any of the Rick's Clubs, via any medium.

### **JURISDICTION & VENUE**

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiffs have stated claims under, *inter alia*, the Lanham Act, 28 U.S.C. § 1125(a)(1), and jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

13. As set forth immediately below, Plaintiffs are, and at all times relevant to this action have been, professional models who reside in one of ten (10) states throughout the United States, including New York, or in the United Kingdom.

14. Defendant Peregrine Enterprises, Inc. (“Peregrine Enterprises”) d/b/a Rick’s Cabaret New York, and defendant RCI Dining Services (37<sup>th</sup> Street), Inc., d/b/a Rick’s Vivid Cabaret New York, are each New York corporations, with principal places of business in New York County, New York. Defendant RCI Hospitality is a Texas corporation, with a principal place of business in Houston, Texas. According to publicly available records, defendant Eric Langan (“Langan”), is the C.E.O. of RCI Hospitality, Peregrine Enterprises and RCI Dining Services (37<sup>th</sup> Street), Inc.

15. Venue is proper in the United States District Court for the Southern District of New York because this District is the principal place of business for defendants Peregrine Enterprises and RCI Dining Services (37<sup>th</sup> Street), Inc., and defendant RCI Hospitality is subject to personal jurisdiction in this District.

16. All parties have minimum contacts with New York County, a significant portion of the alleged causes of action arose and accrued in New York County, New York, and the center of gravity for a significant portion of all relevant events alleged in this complaint is predominately located in New York County.

**PARTIES**

***Plaintiffs***

17. Plaintiff Jaime Edmondson (“Edmondson”) is a well known professional model, and a resident of Pinellas County, Florida.

18. Plaintiff Cielo Jean Gibson (“Gibson”) is a well known professional model, and a resident of Los Angeles County, California.

19. Plaintiff Tiffany Toth (“Toth”) is a well known professional model, and a resident of Orange County, California.

20. Plaintiff Jessica Burciaga (“Burciaga”) is a well known professional model, and a resident of Los Angeles County, California.

21. Plaintiff Sara Underwood (“Underwood”) is a well known professional model, and a resident of Columbia County, Oregon.

22. Plaintiff Jessa Hinton (“Hinton”) is a well known professional model, and a resident of Los Angeles County, California.

23. Plaintiff Joanna (“Joanna Krupa”) is a well known professional model, and a resident of Los Angeles County, California.

24. Plaintiff Jessica Killings (“Killings”) is a well known professional model, and a resident of Los Angeles County, California.

25. Plaintiff Sandra Valencia (“Valencia”) is a well known professional model, and a resident of Los Angeles County, California.

26. Plaintiff Jennifer Walcott Archuleta (“Archuleta”) is a well known professional model, and a resident of Maricopa County, Arizona.

27. Plaintiff Mariana Davalos (“Mariana Davalos”) is a well known professional model and a resident of Los Angeles County, California.

28. Plaintiff Camila Davalos (“Camila Davalos”) is a well known professional model, and a resident of Los Angeles County, California.

29. Plaintiff Jordan Carver (“Carver”) is a well known professional model, and a resident of Clark County, Nevada.

30. Plaintiff Kate Sullivan (“Sullivan”) is a well known professional model, and a resident of Orange County, California.

31. Plaintiff Brenda Lynn Geiger (“Geiger”) is a well known professional model, and a resident of Onondaga County, New York.

32. Plaintiff Brooke Johnson (“Johnson”) is a well known professional model, and a resident of Santa Barbara County, California.

33. Plaintiff Cora Skinner (“Skinner”) is a well known professional model, and a resident of Los Angeles County, California.

34. Plaintiff Laurie Young (“Laurie Young”) is a well known professional model, and a resident of Orange County, California.

35. Plaintiff Lina Posada (“Posada”) is a well known professional model, and a resident of Los Angeles County, California.

36. Plaintiff Megan Daniels (“Daniels”) is a well known professional model, and a resident of Santa Clara County, California.

37. Plaintiff Rachel Koren (“Koren”) is a well known professional model, and a resident of Los Angeles County, California.

38. Plaintiff Eva Pepaj (“Pepaj”) is a well known professional model, and a resident of Los Angeles County, California.

39. Plaintiff Melanie Iglesias (“Iglesias”) is a well known professional model, and a resident of Los Angeles County, California.



40. Plaintiff Alyssa Nobriga (“Nobriga”) is a psychotherapist, writer and model, and a resident of Los Angeles County, California.

41. Plaintiff Jaime Middleton (“Middleton”) is a well known professional model, and a resident of Harris County, Texas.

42. Plaintiff Rosa Acosta (“Acosta”) is a well known professional model, and a resident of Los Angeles, California.

43. Plaintiff Paola Canas (“Canas”) is a well known professional model, and a resident of Los Angeles County, California.

44. Plaintiff Brooke Banx (“Banx”) is a well known professional model, and a resident of Travis County, Texas.

45. Plaintiff Sheena Lee Weber (“Weber”) is a well known professional model, and a resident of Denton County, Texas.

46. Plaintiff Ursula Mayes (“Mayes”) is a well known professional model, and a resident of Orange County, California.

47. Plaintiff Brittany Wilcox (“Wilcox”) is a resident of Corona County, California.

48. Plaintiff Jessica Rockwell (“Rockwell”) is a well known professional model, and a resident of Los Angeles County, California.

49. Plaintiff Anya Monzikova (“Monzikova”) is a well known professional model, and a resident of Los Angeles County, California.

50. Plaintiff Jamillete Giaxiola (“Giaxola”) is a well known professional model, and a resident of Clark County, Nevada.

51. Plaintiff Katarina Van Derham (“Van Derham”) is a well known professional model, and a resident of Los Angeles County, California.

52. Plaintiff Rosie Jones (“Jones”) is a well known professional model, and a resident

of the United Kingdom.

53. Plaintiff Arianny Celeste (“Celeste”) is a well known professional model, and a resident of Los Angeles County, California.

54. Plaintiff Amanda Cerny (“Cerny”) is a well known professional model, and a resident of Los Angeles County, California.

55. Plaintiff Alana Campos (“Campos”) is a well known professional model, and a resident of Los Angeles County, California.

56. Plaintiff Amber Lancaster (“Lancaster”) is a well known professional model, and a resident of Los Angeles County, California.

57. Plaintiff Jayde Nicole (a/k/a Jayde Nicole Gelette-Ivany) (“Nicole”) is a well known professional model, and a resident of Los Angeles County, California.

58. Plaintiff Justene Jaro (“Jaro”) is a well known professional model, and a resident of Los Angeles County, California.

59. Plaintiff Leanna Decker (“Decker”) is a well known professional model, and a resident of Clark County, Nevada.

60. Plaintiff Caitlin O’Connor (“O’Connor”) is a well known professional model, and a resident of Los Angeles County, California.

61. Plaintiff Shelby Chesnes (“Chesnes”) is a well known professional model, and a resident of Palm Beach County, California.

62. Plaintiff Ashley Hobbs (“Hobbs”) is a well known professional model, and a resident of Honolulu County, Hawaii.

63. Plaintiff Brande Roderick (“Roderick”) is a well known professional model, and a resident of Riverside County, California.

64. Plaintiff Marta Krupa (“Marta Krupa”) is a well known professional model, and a

resident of Northhampton County, Pennsylvania.

65. Plaintiff Vida Guerra (“Guerra”) is a well known professional model, and a resident of Los Angeles County, California.

66. Plaintiff Carmen Electra (“Electra”) is a well known professional model and actress, and a resident of Los Angeles County, California.

67. Plaintiff Anya Monzikova (“Monzikova”) is a well known professional model, and a resident of a Los Angeles County, California.

### ***Defendants***

68. According to publicly available records, defendant RCI Hospitality is a Texas corporation. As set forth in its most recent 10-K, RCI Hospitality currently “operate[s] a total of forty-three establishments that offer live adult entertainment, and/or restaurant and bar operations.” (See Exhibit “B-1”, portions of RCI Hospitality’s Form 10-K for the fiscal year ending September 30, 2015 at 4, listing Rick’s Clubs nationwide). These RCI Hospitality establishments are located in nine (9) states throughout the United States.

69. According to publicly available records, defendant Peregrine Enterprises is a New York corporation that owns and operates Rick’s Cabaret New York, located in at 50 West 33<sup>rd</sup> Street, New York, New York.

70. According to publicly available records, defendant RCI Dining Services (37<sup>th</sup> Street), Inc., is a New York corporation that owns and operates Vivid Cabaret New York, located in at 61 West 37<sup>th</sup> Street, New York, New York.

71. According to publicly available records, defendant Langan is the C.E.O., President, and Chairman of the Board of Directors of RCI Hospitality, is the C.E.O. of RCI Dining Services (37<sup>th</sup> Street), Inc. and is the C.E.O. of Peregrine Enterprises.

72. Upon information and belief, RCI Hospitality creates and directs the traditional

and social media marketing strategies and policies for all Rick's Clubs throughout the United States, including, without limitation, and as set forth herein: Rick's Cabaret, in Manhattan, New York; Vivid Cabaret New York, in Manhattan, New York; Club Onyx Dallas, in Dallas, Texas; Rick's Cabaret DFW, in Fort Worth, Texas; Rick's North Austin, in Round Rock, Texas; Rick's Cabaret San Antonio, in San Antonio Texas; Rick's Cabaret East, in Fort Worth, Texas; Vee Lounge, in Fort Worth, Texas; Temptations Sulphur, in Lake Charles, Louisiana; Rick's Sporting Saloon, in New Orleans, Louisiana; Rick's Downtown Cabaret (Minnesota), in Minneapolis, Minnesota; Jaguars Harlingen, in Harlingen, Texas; Jaguars El Paso, in El Paso, Texas; Jaguars Edinburg, in Edinburg, Texas; Jaguars Abilene, in Abilene, Texas; Jaguars Phoenix, in Phoenix, Arizona; Jaguars Longview, in Longview Texas; XTC Cabaret North, in Houston, Texas; XTC Cabaret South, in Houston, Texas; XTC Cabaret Dallas, in Dallas, Texas; Down in Texas Saloon, in Austin, Texas; Tootsie's Cabaret, in Miami Gardens, Florida; Temptations Cabaret, in Aledo, Texas; Silver City Cabaret, in Dallas, Texas.

### **FACTUAL ALLEGATIONS**

73. As set forth immediately below, each Plaintiff is an well known professional model who earns her livelihood modeling and selling her Images to companies, magazines and individuals, for the purpose of advertising products and services.

74. Plaintiffs' careers in the modeling industry place a very high degree of value on their good will and reputation, which is critical in order to maximize their earning potential, book modeling contracts, and establish each of their individual brands. In furtherance of establishing, and maintaining, their brands, Plaintiffs are necessarily selective concerning the companies, and brands, for which they model.

75. Each of the Plaintiffs' Images was misappropriated, intentionally altered, and published without their consent in order to make it appear that they worked at or endorsed one or

more of the Rick's Clubs.

76. In the case of each and every Plaintiff, such appearance was false.

77. No Plaintiff has ever contracted with RCI Hospitality, any of the other Defendants and/or any Rick's Club, to allow use of their Image to advertise any of the Clubs.

78. In the case of each and every misappropriation, the individual Plaintiff's Images were taken without their knowledge, consent or authorization, at no point did any Plaintiff ever receive any remuneration for Defendants' improper and illegal use of their Images, and Defendants' improper and illegal use of Plaintiffs' Images have caused each Plaintiff to suffer substantial damages.

***The Plaintiff Models' Backgrounds and Careers***

79. Edmondson is a graduate of Florida Atlantic University, a former police officer and Miami Dolphins cheerleader, and was the January 2010 *Playboy* Playmate of the Month. Edmondson was a participant in the competitive reality TV series *The Amazing Race 14*, has served as a sports blogger for Playboy online and co-host of Sirius Fantasy Sports Radio, and has appeared in *The Bunny House* documentary, in the Trace Adkins video for "This Aint No Love Song" and numerous other television, print, radio and online outlets. Edmondson has two children with her fiancée, Major League Baseball superstar, Evan Longoria.

80. That we know of, Edmondson is depicted in the photos in Exhibit "C" to promote various Rick's Clubs on their social media pages. These Images depict Edmondson in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Edmondson was either a stripper working at a Rick's Club, or that she endorsed one of the Rick's Clubs. As set forth on Exhibit "C", stolen Images of Edmondson were published on the social media accounts for Rick's Sporting Saloon in New Orleans, Rick's Cabaret East, Jaguars Abilene (which published six (6) stolen photos of Edmondson), the Down in Texas Saloon, Tootsie's

Cabaret Miami, XTC Cabaret Dallas, Temptations Sulphur, and Jaguars Phoenix. As likewise set forth on Exhibit “C”, the misappropriated Images of Edmondson were stolen, and then altered to make it appear that Edmondson was in a variety of t-shirts bearing the names and emblems of various NFL teams. These Images were then shared among the above-listed Rick’s Clubs, and used to promote various events and/or football game viewing parties at the various Rick’s Clubs. This sharing of the same Images of Edmondson further underscores the commonality of ownership of the Clubs, and the implementation by the Clubs of the marketing scheme of misappropriation instituted by RCI Hospitality.

81. Edmondson has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

82. Burciaga is a model and businesswomen, and the owner of Sailor and Saint Clothing line. Burciaga was the *Playboy* Playmate of the Month for February 2009, and has also modeled for *Stuff*, *Maxim*, *EA Sports*, *Import Turner*, *Modified Magazine*, and *Show Latina*, among many others. Burciaga has 1.5 million followers on Instagram and 200,000 followers on Twitter.

83. That we know of, Burciaga is depicted in the photos in Exhibit “D” to promote various Rick’s Clubs on their social media pages. These Images depict Burciaga in a variety of sexually suggestive outfits, and each were intentionally altered to make it appear that Burciaga was either a stripper working at one of the Rick’s Clubs, or endorsed the Club. That we know of, and as set forth on Exhibit “D”, stolen Images of Burciaga were published on the Rick’s Cabaret DFW, Rick’s North Austin, Rick’s Cabaret East, Jaguars Edinburg, XTC Cabaret San Antonio, Temptations Cabaret, and XTC Cabaret South Houston social media pages. Defendants attempt to create the false impression that Burciaga was a stripper working at one of the Clubs is

underscored by the copy beside the Images, including, in the case of XTC Cabaret San Antonio, copy that reads: “Come enjoy the best of both worlds sports and sexy ladies!”, beside a stolen Image of Burciaga in sexually suggestive football uniform. Moreover, the fact that the same exact stolen Image of Burciaga was used by Rick’s Cabaret DFW and Temptations Cabaret underscores Plaintiffs’ allegation that Defendants were, and are, engaged in scheme, implemented by RCI Hospitality, to steal and share Plaintiffs’ Images.

84. Burciaga has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

85. Carver is a German model and actress based in the United States, is the commercial spokeswoman for online German consumer electronics giant Redcoon, and has set a record by appearing on the cover of Britain's *Zoo Magazine* six (6) times. Carver has won modeling contests for racing sport seat production company COBRA, and was thereafter named their spokesmodel, and has won second place on the Top 100 Internet Model Newcomer of the Year. Carver has more than 1.5 million followers on Instagram, 172,500 followers on Twitter, and nearly 4 million followers on Facebook.

86. That we know of, Carver is depicted in the photos in Exhibit “E” to promote various Rick’s Clubs on their social media pages. These Images depict Carver in a variety of sexually suggestive outfits, and each were intentionally altered to make it appear that Carver was either a stripper working at these Rick’s Clubs, or that she endorsed these Clubs. As set forth on Exhibit “E”, that we know of, stolen Images of Carver were published on the social media pages for Rick’s Cabaret Fort Worth, Rick’s Cabaret San Antonio, Rick’s Cabaret New York, Jaguars Abilene, Jaguars Phoenix, Tootsie’s Cabaret Miami, Temptations Cabaret, Silver City Cabaret, and Rick’s Downtown Cabaret (Minnesota) Defendants attempt to create the false impression

that Carver was a stripper working at one of their Clubs is bolstered by the copy beside the Images of Carver which includes, in the case of the Silver City Cabaret, a stolen Image of Carver beside the copy: “checkin [sic] on Facebook for free cover & checkout the hottest girls in #Dallas #DFW.”

87. Carver has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

88. Gibson is an extremely successful model who got her start in the industry when she won the *Import Turner* magazine Model Search. Gibson has a massive motor sport following, and is currently the model for the Falken Drift Team and SBT, Inc. (Short Block Technologies), as well as being a Top Rank Boxing model. Gibson has been seen in the pages of *FHM*, *American Curves* (cover), *Supreme*, *MuscleMag International* and *Muscle & Fitness*, and has over 53,000 Instagram followers.

89. That we know of, Gibson is depicted in the photos in Exhibit “F” to promote various Ricks Clubs on their social media pages. These Images depict Gibson in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Gibson was either a stripper working at one of the Ricks Clubs, or endorsed one of the Clubs. That we know of, and as set forth in Exhibit “F”, stolen Images of Gibson were altered and used to promote at least Rick’s North Austin Austin, Rick’s Cabaret New York, XTC Cabaret North, and Temptations Sulphur. The various attempts to create the false impression that Gibson worked at one or more of the Clubs is underscored by the copy used beside each of the Images of Gibson, including, in the case of Rick’s Cabaret New York, copy which read: “Beat the heat at Ricks! You still get to see the hotties in next to nothing!”, beside an Image of Gibson in a bikini.

90. Gibson has never been employed at any Rick’s Club, has never been hired to



endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

91. Toth is an extremely successful model who was the September 2011 *Playboy* Playmate of the Month. Toth has also appeared in a variety of magazines including *Super Street Bike*, *Import Tuner*, *Sport Truck*, *Iron Man*, *Seventeen*, and *Maxim*, as well as appearing in countless other catalogs and publications. Toth's popularity and renown is evidence by the fact that she has over 2 million Facebook followers, over 700,000 Instagram followers, and over 100,000 Twitter followers. In addition to her Toth's modeling work, she owns and maintains her own e-commerce site.

92. That we know of, Toth is depicted in the photos in Exhibit "G" to promote various Rick's Clubs on their social media pages. These Images depict Toth in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Toth was either a stripper working at one of the Rick's Clubs, or that she endorsed the Clubs. That we know of, and as set forth on Exhibit "G", stolen Images of Toth were published on the Rick's North Austin and Rick's Sporting Saloon social media pages.

93. Toth has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

94. Underwood is a world famous model whom first appeared on the cover of *Playboy* in October 2005, was *Playboy's* Playmate of the Month for July 2006, and was named *Playboy's* Playmate of the Year for 2007. Underwood has not only been featured in various *Playboy* videos, but has likewise appeared, as herself, in the major motion pictures *The House Bunny* and *Miss March*. She has also appeared on episodes of such reality TV series as *Kendra*, *The Girls Next Door*, and *Bridget's Sexiest Beaches*. Underwood also works regularly in

television as a continuity announcer for the Blackbelt TV cable network, and has served as co-host of G4's *Attack of the Show*. Underwood has more than 5 million social media followers.

95. That we know of, Underwood is depicted in the photos in Exhibit "H" to promote various Rick's Clubs on their social media pages. These Images, which were repeatedly published on the Rick's North Austin, XTC Cabaret San Antonio, Jaguars Phoenix, and Rick's Downtown Cabaret (Minnesota) social media pages, depict Underwood in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Underwood was either a stripper working at one of the Rick's Clubs, or that she endorsed the Club.

96. Underwood has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

97. Middleton is an American model, Fitness model, businesswoman, nutritionist and spokeswoman, a graduate of Texas A&M University, a former NFL cheerleader, and the winner of the World's Fittest Model Competition. Middleton as been the featured subject and cover girl on many fitness and women's magazines, and is currently a full-time spokesperson for Bodybuilding.com. She has her own line of swimwear and a supplement line with Labrada nutrition. Middleton is a devout Christian, and is married to Michael Middleton, who is a worship leader in their church. Middleton has more than 2 million social media followers between Facebook, Instagram, and Twitter.

98. That we know of, Middleton is depicted in the photos in Exhibit "I" to promote various Rick's Clubs on their social media pages. This stolen Image was intentionally altered to make it appear that Middleton was either a stripper working at one of the Rick's Clubs, or endorsed the Clubs. Importantly, and further underscoring Plaintiffs' claim that Defendants are engaged in a scheme to misappropriate and share her Images by and among themselves, the same

exact stolen Image of Middleton in football attire was published on the social media pages for Rick's North Austin, Rick's Cabaret East, Rick's Sporting Saloon, and XTC Cabaret San Antonio, and, in the case of Rick's North Austin, was published beside the copy: "Sunday Funday here at Rick's Cabaret!! Come in and join us for all the NFL action you can handle!!"

99. Middleton has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

100. Posada is an internationally known fashion model and designer from Barranquilla, Colombia. She is best known for her appearances in the *Besame* and *Espiral* lingerie collections, but has also modeled countless other brands, including Pradizia Swimwear, Babalu Swimwear, and Ujeans.

101. That we know of, Posada is depicted in the photo in Exhibit "J" to promote various Rick's Clubs on their social media pages. These Images depict Posada in a variety of sexually suggestive outfits, each of which were intentionally altered to make it appear that Posada was either a stripper working at one of the Rick's Clubs, or that she endorsed one of the Clubs. That we know of, and as set forth on Exhibit "J", stolen Images of Posada were published on at least the Vivid Cabaret New York, the Temptation Sulphur, and the Silver City Cabaret social media accounts, the latter of which was published beside the copy: "Get out of the house and come hang out with the beauties of Silver City....", in order to create the false impression that Posada was a stripper working at that Club.

102. Posada has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

103. Valencia is a Colombian-born model with a large international following who has

worked throughout Latin America and the United States. Valencia has modeled for clients such as Diesel, Americanino, Leonisa, Chevignon, Onde de Mar and many more. Valencia recently became the contract face of BESAME lingerie, and continues to be one of the most popular and successful Colombian models with a growing social media profile, and over 66,000 Instagram followers.

104. That we know of, Valenica is depicted in the photos in Exhibit “K” which were published on various Rick’s Clubs’ social media pages. These Images depict Valencia in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Valencia was a stripper working at one of the Rick’s Clubs, or endorsed one of the Clubs. That we know of, and as set forth on Exhibit “K”, stolen Images of Valencia were used to promote Jaguars Edinburg, Temptations Cabaret, Rick’s Cabaret DFW, and Vee Lounge. Further underscoring Defendants scheme to misappropriate and share Images of Valencia is the fact that the same stolen Image of Valencia is published to promote both Jaguars Edinburg and Vee Lounge on their social media accounts.

105. Valencia has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club Clubs, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

106. Archuleta is an American model, actress, and reality TV star, who was the *Playboy* Playmate of the Month for August 2001. She subsequently launched her own website, appeared in a variety of *Playboy* editions, was chosen by Carmen Electra to model for her celebrity guest photographer photo shoot on Playboy.com, and has appeared in music videos for the likes of Justin Timberlake, Sterophonics, and Marc Anthony. Archuleta has appeared on the cover of numerous magazines, including *Holistic Health*, *Moves*, *American Curves*, *Muscle & Fitness*, *Hers*, *Physical*, *Iron Man*, *VP Racing Fuel*, and many others. As an actress, Archuleta

has appeared in *America Pie: Band Camp*, *The Pool Boys*, *Weakest Link*, *Street Smarts*, *Wild On!*, and *Ripley's Believe It or Not*. Archuleta currently lives in Arizona, where she is raising her three children with her husband, former NFL star Adam Archuleta.

107. That we know of, Archuleta is depicted in the photos in Exhibit "L" to promote various Rick's Clubs on their social media pages. These Images depict Archuleta in a variety of sexually suggestive outfits, and were each intentionally altered in order to make it appear that Archuleta was either a stripper working at one of the Rick's Clubs, or that she endorsed the Club. That we know of, and as set forth on Exhibit L, stolen Images of Archuleta were used to promote Jaguars Harlingen or XTC Cabaret San Antonio. Importantly, and further underscoring the commonality of ownership of the Clubs and the sharing of photos, the same exact photo of Archuleta was stolen to promote both Jaguars Harlingen and XTC Cabaret San Antonio.

108. Archuleta has never been employed at any Rick's Club, has never been hired to endorse any Rick's Clubs, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

109. Mariana Davalos is a model who has a burgeoning career in the talent industry. She has over 175,000 Instagram followers and has a tremendous Latin American and international following with 250,000 Facebook followers.

110. Camila Davalos, who is Mariana Davalos' twin sister, started modeling with her sister at the age of 10, and by the time she was 18 she was one of the most famous and successful models in Colombia, where she grew up. At age of 22, Camila Davalos became the face of the world famous BESAME lingerie line, and since then has earned a reputation as a Latin Super model. She has appeared in hundreds of magazine editorials, catalogues, runway shows and covers, including in *Maxim*, *Imagen*, *Besame*, SOHO TV, *Rumbas de la Ciudad*, *La Granja Tolima*, *Kiss Catalogue*, *Deluxe Jeans*, *Revista Soho*, *SCRIBE*, *Coed People*, *La Gemela mas*

Dulce, Para Hombre, Spiritual Jeans and Satori.

111. That we know of, Camila and Mariana Davalos are depicted in the photos in Exhibit “M” to promote XTC Cabaret North on its Facebook page. This Image depicts Camila and Mariana Davalos in sexually suggestive outfits, and was intentionally altered to make it appear that the Davalos’ were either strippers working at XTC Cabaret North, or that they endorsed the Club. In addition, a stolen Image of Camila Davalos was published on the Temptations Cabaret Facebook and Instagram pages, and the Rick’s Cabaret San Antonio Facebook page.

112. Neither Camila nor Mariana Davalos have never been employed at any Rick’s Club, have ever been hired to endorse any Rick’s Clubs, have ever received any remuneration for Defendants’ unauthorized use of their Images, and have suffered, and will continue to suffer, damages as a result of same.

113. Geiger is a model and actress who got her start appearing in various hip-hop videos, including videos for the artists Lil’ Wayne and Keri Hilton. Geiger is perhaps best known for her work for Glamour, and her appearances on the Howard Stern Show in a Miss HTV March contest. Geiger has been featured in numerous men's magazines, including *Show*, *Maxim* and *Raw*, and in advertisements for, among other products, Primitive Clothing, for which she has her own custom skateboard decks.

114. That we know of, Geiger is depicted in the photos in Exhibit “N” to promote various Rick’s entities on their social media pages. These Images depict Geiger in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Geiger was either a stripper working at the particular Rick’s Club, or that she endorsed the Club. That we know of, and as set forth on Exhibit “N”, stolen Images of Geiger were used on the social media accounts for Onyx Club Dallas, Jaguars Edinburg, and Jaguars El Paso. Moreover, the Image of

Geiger published on the Jaguars El Paso social media pages, was painted on the Jaguars El Paso truck for the purposes of advertising Jaguars El Paso. This same exact Image of Geiger was also painted on the Jaguars Edinburg truck, a photo of which was also published on that Club's Facebook page. This, of course, further underscores the commonality of ownership of the Clubs, and the sharing of Plaintiffs' Images

115. Geiger has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

116. Killings is a world-renowned model who has appeared in countless magazines, including *SHOW*, *Blackmen*, *Straight Stuntin*, *Smooth*, *Mixed Magazine* and many more. Killings has likewise appeared in various music videos as lead talent for artists such as Far East Movement and Snoop Dogg, OMG, Slim Thug and Baby Bash, Big Sean and Chris Brown, and Jay Sean and Nicki Minaj. She has over 1.3 million followers on Instagram, and 52,000 followers in Twitter.

117. Skinner is a model and actress who has appeared on *CSI: Miami*, *Rules of Engagement*, *Shark*, *Las Vegas*, and *The Tonight Show*. Skinner has also modeled for a variety of internationally known brands, including Sketchers, Nordstrom, Fredericks of Hollywood, Tecate, Skky Vodka, and Muscle & Fitness, and has appeared in music videos for the likes of Def Leppard. In addition, Skinner has appeared in *Maxim*, in both the United States and various European versions, the *Playboy* lingerie catalog (to name just a few of her campaigns), and has her own set of Bench Warmer trading cards.

118. That we know of, Skinner is depicted in the photos in Exhibit "O" to promote various Rick's Clubs on their social media pages. These Images depict Skinner in a variety sexually suggestive outfit, and were each intentionally altered to make it appear that Skinner was

either a stripper working at one of the Rick's Clubs, or that she endorsed the Club. That we know of, and as set forth on Exhibit O, stolen Images of Skinner were used to promote Jaguars Edinburg and Vee Lounge.

119. Skinner has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

120. Hinton is a world renowned and highly sought after model, who was the July 2011 *Playboy* Playmate of the Month. Hinton has been active in the entertainment industry since the age of sixteen (16), and has appeared in countless national commercial and television shows. In 2010 Hinton became the face of the Palms Hotel & Casino's advertising campaign, has hosted the television show *Victory Poker*, has served as the interview personality for *Top Rank Boxing*, and has been the centerpiece of an advertising campaign for Milwaukee's Best Beer in conjunction with Playboy Enterprises. Hinton has also served as a spokes model for Affliction Clothing, Enzo, Milano Hair Products, REVIV Wellness Spa, Protein World, Rhonda Shear Shapewear, Leg Avenue and Roma Costume, and has been a featured cover model for magazines such as *FHM*, *Kandy*, *MMA Sports*, *Guitar World*, and *Muscle & Fitness*. Her images have likewise appeared on countless billboards, magazines, posters, and multiple forms of electronic media. Ms. Hinton has been named Creative Director for MAJR Media, and she also served as a guest host for the television station KTLA in Los Angeles. In addition, Hinton has earned an elite status as a social media celebrity, with more than 1.2 million followers on Instagram, 872,000 followers on Facebook, and 181,000 followers on Twitter.

121. That we know of, Hinton is depicted in the photos in Exhibit "P" to promote various Rick's Clubs on their social media pages. These Images depict Hinton in a variety of sexually suggestive outfits, and each were intentionally altered to make it appear that Hinton was



either a stripper working at one of the Rick's Clubs, or that she endorsed the Clubs. That we know of, and as set forth on Exhibit "P", stolen Images of Hinton were published on the social media pages for Jaguars Abilene, and Temptations Cabaret.

122. Hinton has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

123. Joanna Krupa is a world renowned model, actress, and television personality. As an actress, Joanna Krupa has appeared in the film *Max Havoc: Curse of the Dragon*, and the television show *Superstars*, and also appeared as a contestant on Season 9 of ABC's *Dancing with the Stars*. In addition, since 2010 Joanna Krupa has been head judge of *Poland's Next Top Model*, and is a cast member of Bravo's *The Real Housewives of Miami*. As a model, Joanna Krupa has twice appeared on the cover of *Playboy*. She has also appeared on numerous other magazine covers, including *Personal*, *Steppin' Out*, *Envy*, *Shape*, *FHM*, *Stuff*, *Inside Sport*, *Teeze*, and *Maxim*. Joanna Krupa has been named the "Sexiest Swimsuit Model in the World," and in 2011 Maxim ranked her #55 in its 2011 Hot 100. In 2004-2005, she was voted German's Maxim Model of the Year. Joanna Krupa also models for ads with PETA.

124. That we know of, Joanna Krupa is depicted in the photos in Exhibit "Q" to promote various Rick's Clubs on their social media pages. These Images depict Joanna Krupa in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Joanna Krupa was either a stripper working at one of the Rick's Clubs, or endorsed one of the Clubs. That we know of, and as set forth in Exhibit "Q", stolen images of Joanna Krupa were published on the social media pages for Rick's North Austin, Rick's Cabaret DFW, Jaguars Edinburg, and Vivid Cabaret New York. Defendants attempt to create the false impression that Joanna Krupa was a stripper working at one of their Clubs is bolstered by the copy beside each

Image including, in the case of, for example, Jaguars Edinburg, where beside a stolen Image of Joanna Krupa is copy that reads: “FREAKY FRIDAY IS HERE MY FRIENDS!!!! JOIN US TONIGHT AS ALL THE FREAKS COME OUT AND PLAY AT THE HOTTEST ADULT ENTERTAINMENT ESTABLISHMENT IN THE RGV!!!”

125. Joanna Krupa has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

126. Laurie Young is a model shooting for Shirley of Hollywood, has appeared in Adam & Eve commercials and has appeared on a numerous television programs, including *Entourage*.

127. That we know of, Young is depicted in the photo in Exhibit “R” to promote various Rick’s Clubs on their social media pages. These Images depict Young in a variety of sexually suggestive outfits, each of which were intentionally altered to make it appear that Young was either a stripper working at one of the Rick’s Clubs, or endorsed the Club. That we know of, and as set forth on Exhibit “R”, stolen Images of Young were published on the social media pages for Vivid Cabaret New York, Jaguars Abilene, and Temptations Sulphur. Importantly, and further underscoring the commonality of ownership of the Clubs, and their sharing of stolen Images of Plaintiffs, both Vivid Cabaret New York, located in Manhattan, New York, and Temptations Sulphur, located in Louisiana, used the identical stolen Image of Young.

128. Young has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

129. Koren is an internationally known, and highly sought after, model who has walked runways for fashion shows in Miami’s Mercedes Benz Fashion Week, filmed for travel

TV show *Bikini Destinations*, shot for major campaigns in Los Angeles, and is the face of numerous major brands. Koren can be seen across the nation on billboards, buildings and bus stops in a campaign for MIDORI along with Kim Kardashian. As an actress, Koren has appeared in *Date Night*, with Steve Carell and Tina Fey, in *The Closer*, and many others. She has also appeared in campaigns for brands such as Nike, Reebok, Affliction Clothing, Volcom, Body Glove, Sinful, American Customs, Alo, Modern Salon Magazine, No Fear, Axe Body Spray, Paul Mitchell, Vibra Magazine, Launch Pad Magazine, Cut & Dry Magazine, Hairdo Magazine, Sunset Tan, Divine Boutique, Esquire Magazine, Vogue Magazine, True Religion, Jessica Simpson Swimwear, Ed Hardy, Christian Audigier, Smet, Rebel X Magazine, SNI Swimwear, Tommy Bahama, Roma, J Valentine, Sunsets Inc, B Swim, Love Culture, Maxim, Viva Glam Magazine, Fantasy Lingerie, Elegant Moments, So Cal Swimwear, No Fear, Swim Magazine, American Honey, Have Faith Swimwear. She also owns her own company, Cashmere Hair Extensions, which appeared on ABC's *Shark Tank* in 2013. She has over 122,000 followers on Instagram.

130. That we know of, Koren is depicted in the photos in Exhibit "S" to promote various the Down in Texas Saloon on its Facebook page. This Image depicts Koren in a sexually suggestive outfit, and was intentionally altered to make it appear that Koren was either a stripper working at one of the Down in Texas Saloon, or that she endorsed the Club.

131. Koren has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

132. Pepaj is a successful and highly in demand runway and high fashion model, who has appeared in many print campaigns, and commercials for products such as Diet Coke. Pepaj has also appeared in the films: *The Hand Off*, *Interior: Leather Bar*, *The Romp*, and on HBO's

*True Detective.*

133. That we know of, Pepaj is depicted in the photos in Exhibit “T” to which were repeatedly published to promote Rick’s Cabaret San Antonio on its social media pages. These Images depict Pepaj in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Pepaj was either a stripper working at Rick’s Cabaret San Antonio, or that she endorsed one of the Club.

134. Pepaj has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

135. Iglesias is an American model, actress and social media influencer. Since being voted *Maxim’s* “Hometown Hotties” winner in 2010, she has been featured in magazines such *World’s Most Beautiful*, *Esquire*, and *Vibe*, has appeared in the World Poker Tour series, and has appeared as herself on all seasons of MTV’s *Guy Code* and *Girl Code*, as well as the *Guy Code* spin-off, *Guy Court*. Iglesias has likewise appeared as a guest on the *Ellen DeGeneres Show*, has hosted *MLB Fan Cave*, and can be seen, in her first starring role in a feature film, in *Abnormal Attraction*, slated for release in 2016. Her social media consists of 1.3 million Instagram followers, 1.6 million Facebook followers, and 728,000 Twitter followers.

136. That we know of, Iglesias is depicted in the photos in Exhibit “U” to promote various Rick’s Clubs on their social media pages. These Images depict Iglesias in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Iglesias was either a stripper working at one of the Rick’s Clubs, or that she endorsed the Clubs. That we know of, and as set forth on Exhibit “U”, stolen Images of Iglesias were used to promote Rick’s Cabaret San Antonio, Jaguars El Paso, Jaguars Edinburg and Temptations Cabaret. Defendants attempts to create the false appearance that Iglesias was a stripper working at one of the Rick’s

Clubs is bolstered by the copy beside the Images, including, for example, in the case of Jaguar's El Paso, copy which reads: "Super Tuesday", beside a stolen and altered Image of Iglesias wearing a Superman t-shirt.

137. Iglesias has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

138. Nobriga is trained as a psychotherapist and works as a professional coach with individuals and corporations, both nationally and internationally. She obtained her masters degree in Clinical Psychology, specializing in Mind-Body Psychotherapy from The Chicago School of Professional Psychology. Alyssa is currently on faculty at the University of Santa Monica where she holds a second masters degree in Spiritual Psychology, with an emphasis on Consciousness, Health and Healing. She is a graduate of The School for The Work, has extensive training in Imago Couples Therapy as well as an advanced certification from the Hakomi Institute in mindfulness-based therapeutic practices and is certified as a success coach. Alyssa is a spiritual advisor for CEOs and senior executives, she facilitates transformational group intensives and women's leadership and empowerment workshops. She also leads wellness retreats around the world centered on mindfulness and conscious living as well as 6 month mastermind intensives supporting women in standing forward as leaders and soul-centered professional coaches. She is a contributor to various publications such as *The Huffington Post*, *Positively Positive* and *The Daily Love* and is a featured expert on Deepak Chopra's YouTube channel. Alyssa's enthusiasm for this work has led her to develop a unique way of blending multiple modalities and life experiences to support people in a soulful and practical way. Her intention and vocation is to assist others in leading more open, authentic, loving, and fulfilling lives.

139. That we know of, Nobriga is depicted in the photos in Exhibit “V” to promote Jaguars Edinburg on its Facebook Page. This Image depicts Nobriga in a sexually suggestive outfit, and was intentionally altered to make it appear that Norbriga was either a stripper working at Jaguars Edinburg, or that she endorsed the Club.

140. Nobriga has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

141. Acosta is a trained ballerina, graduate of the Dominican Republic’s Institute of Culture and Art, a former member of the Dominican Nacional Ballet, becoming its youngest soloist in 2002, and was nominated twice by the Secretaria de Estado de la Juventud for her work in the category of Cultural Development. Acosta began her modeling career in 2004, participating in magazines and television for prestigious Dominican enterprises, and has since distinguished herself in several areas of the modeling world, having been featured in numerous magazines, commercials and music videos. She has 1.7million Facebook followers, 930,000 Instagram followers, and 315,000 Twitter followers.

142. That we know of, Acosta is depicted in the photos in Exhibit “W” to promote Rick’s XTC Cabaret Dallas on its Facebook Page. This Image depicts Acosta in a sexually suggestive outfit, and was intentionally altered to make it appear that Acosta was either a stripper working at Rick’s XTC Cabaret Dallas or that she endorsed the Club.

143. Acosta has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

144. Canas is a Colombian-born model, actress, and television host, who over the past 12 years has appeared as a runway model at fashion shows throughout the world, and currently

serves as the is the international face of Curve lingerie. Canas was recently chosen as the face of the Masters Gold Tournament in Dubai, and was the image for the “International Surf and Sport expo” in Orlando. She has worked for international brands and labels such as SOHO, KISS underwear, Salon International, Zona Rosa, and Esteban Escobar. She has appeared in numerous TV shows like FOX Sports and on both Telemundo and TV Azteca as herself.

145. That we know of, Canas is depicted in the photos in Exhibit “X” to promote various Rick’s Clubs on their social media pages. These Images depict Canas in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Canas was either a stripper working at one of the Rick’s Clubs, or that she endorsed the Club. That we know of, and as set forth on Exhibit “X”, stolen Images of Canas were used to promote Rick’s North Austin, Jaguars Harlingen, Jaguars El Paso, and the Down in Texas Saloon on their social media pages. Importantly, and further underscoring the commonality of ownership of the Clubs and the sharing of photos, the same exact stolen photo of Canas was used to promote both Jaguars Harlingen and Jaguars El Paso.

146. Canas has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

147. Banx has been featured in countless men’s magazines, fitness magazines, calendars, posters, lingerie catalogs, and ad campaigns nationwide, including in *FHM*, on savvy.com, and a recent cover of *America Curves Magazine*. Brooke is has just finished her biology degree and is attending medical school. She has 29,500 followers on Twitter, and 186,000 followers on Facebook.

148. That we know of, Banx is depicted in the photos in Exhibit “Y” to promote various Rick’s Clubs on their social media pages. These Images depict Banx in a variety of

sexually suggestive outfits, and each were intentionally altered to make it appear that Banx was either a stripper working at one of the Rick's Clubs, at she endorsed the one of the Clubs. That we know of, and as set forth on Exhibit "Y", stolen Images of Banx were published on the social media pages of Rick's North Austin, the Down in Texas Saloon, and Jaguars Abilene. Defendants' attempt to create the false impression that Banx was a stripper working at one of the Clubs is bolstered by the copy beside these Images including, in the case of Rick's North Austin, a stolen Image of Banx in a cowboy hat beside the copy: "Austin is home to sexy cowgirls, beautiful blondes ... and Rick's North Austin."

149. Banx has never been employed at any Rick's Club, has never been hired to endorse any of Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

150. Weber is an internationally known model, honors graduate from the Art Institute of Dallas, and currently serves as the Director of Business Development for Harmony Medcare. As a model, Weber has been a *Playboy* Cybergirl of the Month, and has appeared in international editions of *Maxim*, *People*, and *Street Customs Magazine*, to name but a few. In her capacity as a supercross spokesmodel, Weber has appeared on the television show *The Reality of Speed*, and has likewise served as the SSI spokesmodel "Silspect Shari." Her acting credits include *Harold and Kumar 2* and *The Pool Boys*, among others.

151. That we know of, Weber is depicted in the photos in Exhibit "Z" to promote Rick's Cabaret DFW on its Facebook page. This Image depicts Weber in a sexually suggestive outfit, and was intentionally altered to make it appear that Weber was either a stripper working at Rick's Tampa, or that she endorsed the Club, a false representation underscored by the copy published beside the Image of Weber, which reads: "WE PARTY TILL 4 AM TONIGHT WITH THE HOTTEST LADIES IN TEXAS ... LETS MAKE IT A RICKS NIGHT!!"



152. Weber has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

153. Mayes is a well known model who has appeared in *Maxim*, *Vogue*, *Elle*, *In Style*, *Cosmopolitan*, *Marie Claire* and many other publications. On television, Mayes has appeared on *Deal or No Deal*, *Minute To Win It*, *The Tonight Show*, and *The Jay Leno Show*. Mayes has also appeared in commercial campaigns for many companies, including Coronet Diamonds, Volkswagen, Subaru, and Bacardi, and was the cover model and star of the video game, *Juiced 2: Hot Import Nights*.

154. That we know of, Mayes is depicted in the photos in Exhibit "AA" to promote various Rick's Clubs on their social media accounts. These Images depict Mayes in a variety of sexually suggestive outfits and were intentionally altered to make it appear that Mayes was either a stripper working at one of the Rick's Clubs, or that she endorsed the Club. As set forth on Exhibit "AA", stolen Images of Mayes were published on the social media sites for Rick's Cabaret DFW, Jaguar's Longview, and the Down in Texas Saloon. Defendants' attempt to create the false appearance that Mayes was a stripper at the Clubs is bolstered by the copy beside the Images of Mayes, including, for example, the copy that reads: "It's Sunday fun day against Longview!!! Come relax and rejuvenate with the sexy Jaguar Girl's and don't forget our \$5 Cover, \$5 table dances!!!", on the Jaguars Longview Facebook page.

155. Mayes has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

156. Daniels is an internationally known DJ and model, who has graced the covers of many magazines including *American Curves Magazine*, *Heavy Metal Magazine*, *Ink Junkie*

*Magazine, Outlaw Biker Magazine, Tattoo Magazine, Obscene Magazine, Strobe Magazine, Tattoos for Men, Lowrider Magazine, Rebel Ink Magazine, Street King Magazine, Tattoo Feuerwerk*, and many more. Daniels has been featured in advertising campaigns with the recording artist Snoop Dogg, and as a DJ has toured and headlined venues around throughout the United States, Asia, and the Caribbean.

157. That we know of, Daniels is depicted in the photos in Exhibit “BB” to promote various Rick’s Cabaret DFW on its social media pages. These Images depict Daniels in a variety of sexually suggestive outfits, each of which were intentionally altered to make it appear that Daniels was either a stripper working at Rick’s Cabaret DFW, or that she endorsed the Club.

158. Daniels has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

159. Rockwell is a model and actress, who has appeared in various movies including *Angry Video Game Nerd: The Movie* (2014), *Immigrants* (2009), and *A Que No Puedes!* (2007). She has also appeared in television shows such as *Sons of Anarchy*, *Entourage*, *Knight Rider*, *Heros*, and others, as well as music videos for Nickelback and Baby Bash. Rockwell has also appeared in catalogs for Dreamgirls Lingerie, No Fear Calendar, and Shift clothing, and as modeled for Hooter’s Magazine/Calendar, Extreme RC Car Magazine, and Racer X Magazine as well as many others.

160. Rockwell’s sister, Wilcox, is **not** a professional model, but rather a private citizen and mother, whose picture, along with Rockwell’s, was used in Rick’s Clubs advertisements.

161. That we know of, Rockwell and Wilcox are depicted in the photos in Exhibit “CC” to promote various Rick’s Clubs on their social media pages. These Images depict Rockwell and Wilcox in a sexually suggestive outfit, and were intentionally altered to make it

appear that Rockwell and Wilcox were either strippers working at one of the Rick's Clubs, or that they endorsed the Clubs. As set forth on Exhibit "CC", and further underscoring RCI Hospitality and the other corporate defendants scheme to misappropriate and share Images of Plaintiffs by and among themselves, the same exact stolen Image of Rockwell and Wilcox that was published on the Down in Texas Saloon social media accounts was likewise published on the Temptations Sulphur account, the latter publication beside the copy: "After the LSU game, come hang with our cheerleaders at SWLA's [Southwest Louisiana's] newest adult hotspot.

162. Neither Rockwell nor Wilcox have ever been employed at any Rick's Club, have never been hired to endorse any Rick's Club, have received any remuneration for Defendants' unauthorized use of their Image, and both have suffered, and will continue to suffer, damages as a result of same.

163. Gaxiola is a former Miss Cuba, who has worked for a variety of international brands including Reebok, Hurley, Guess Jeans, Victoria Secret, Nike, MAC Cosmetics, Roberto Cavalli, Naeem Khan, Paul Marciano, Fendi, Saks Fifth Avenue and Niemen Marcus, and has appeared in *GQ*, *Maxim* (Australia), *Open*, and *Esquire*. She has appeared in the Miss Cuba Grand International, and Miss Cuba International, beauty pageants, and is currently the face of UFC.

164. That we know of, Gaxiola is depicted in the photos in Exhibit "DD" to promote various Rick's Clubs on their social media pages. These Images depict Gaxiola in a variety of sexually suggestive outfits, each of which were intentionally altered to make it appear that Gaxiola was either a stripper working at one of the Rick's Clubs, or endorsed the Club. That we know of, and as set forth on Exhibit "DD", stolen Images of Gaxiola were used to promote Jaguar's Edinburg and Jaguars Phoenix.

165. Gaxiola has never been employed at any Rick's Club, has never been hired to

endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

166. Van Derham is a successful model, actress, philanthropist, and entrepreneur. As a model, Van Derham has graced over 60 magazine covers and appeared in over 600 media outlets including CNN, FOX, and NBC. She has appeared in 17 national and international print and TV commercials, has been voted one of the 100 sexiest women in the world by magazines on three different continents, and has made history by being the only St. Pauli Girl spokesmodel to ever be re-elected. As an actress, Van Derham has appeared on "Entourage", "Unbelievable", "15 Minutes," "Redline," "CSI" and "Monk," and in music videos for Bobby Brown, Ja Rule, Andy, Big and Rich, among others. Katarina is a founder, CEO, and Editor-in-Chief of classic, glamour lifestyle magazine VIVA GLAM, established in 2012. Her well respected status gets her invited as a judge of model contests and beauty pageants around the world. She has more than 39,000 Instagram followers.

167. That we know of, Van Derham is depicted in the photos in Exhibit "EE" to promote Rick's Cabaret New York on its Facebook page. This Image was intentionally altered to make it appear that Van Derham was in a sexually suggestive Santa outfit, beside the copy: "Guess what time it is at Ricks NYC!? Need some hints?", in order to create the false impression that Van Derham was either a stripper working at Rick's Cabaret New York, or that she endorsed the Club.

168. Van Derham has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

169. Jones is a glamour model born in Middlesex, England, who is regularly featured in many of the UK's top men's magazines. Jones started modeling at 17, and has appeared in

many magazines, including *FHM*, *Loaded*, *Nuts*, and *Front Army*. She has 208,000 followers on Instagram, 206,000 followers on Twitter, and 1,064,000 followers on Facebook.

170. That we know of, Jones is depicted in the photos in Exhibit “FF” to promote Rick’s Cabaret DFW, Temptations Sulphur, and Rick’s Sporting Saloon on their social media pages. These Images depict Jones in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Jones was either a stripper working at one of the Rick’s Clubs, or that she endorsed the Club.

171. Jones has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

172. Celeste is a well known American model and businesswoman who is consistently recognized as one of the most popular personalities of the UFC, where she has worked as an Octagon Girl since 2006. Celeste is among the most sought after talents in the modeling world, having appeared on the covers of some of the world’s most famous magazines, including, *Playboy*, *Maxim* (United States, Korea, and Philippines versions), *FHM* (United States and Australian versions), and *UFC Magazine*. In addition to modeling, Celeste has hosted television shows, including the popular Velocity TV show, *Overhaulin’*, has appeared in short films, and has recorded original music. Celeste is in an elite class of social media influencers with over 2 million Instagram followers, almost a half million Twitter followers and 3.1 million fans on Facebook, combined with her own personal website.

173. That we know of, Celeste is depicted in the photos in Exhibit “GG” to promote Jaguars Phoenix, Jaguars Abilene, and XTC Cabaret San Antonio on their social media pages. These Images depict Celeste in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Celeste was either a stripper working at one of the Rick’s Clubs, or

that she endorsed the Club. Moreover, the fact that Defendants attempted to create the false impression that Celeste was a stripper working at one of their Clubs is underscored by the copy beside the Images, including, in the case of Jaguars Abilene, copy that reads: “ITS FINALLY HERE!! USC Returns to Abilene, That’s Right, Ultimate Stripper Cage Wrestling!!!”, beside an Image of Celeste in boxing gloves, and sexually suggestive workout attire.

174. Celeste has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

175. Cerny is a fitness professional, television personality, blogger, and model, who was named the October 2011 *Playboy* Playmate of the Month. Cerny has appeared on the cover of *Health & Wellness* Magazine, and is the chairwoman and founder of Play Foundation, a global foundation founded for the purpose of bringing the youth closer to their love of music. Cerny is very well known throughout the social media world, with 3 million Vine followers, 1.2 million Instagram followers, 110,000 Youtube subscribers, 650,000 Facebook fans, over 360,000 followers on Snapchat, and 252,000 Twitter followers.

176. That we know of, Cerny is depicted in the photos in Exhibit “HH” to promote Temptations Cabaret on its Facebook page. This Image depicts Celeste in a sexually suggestive outfit, and was intentionally altered to make it appear that Cerny was either a stripper working at Temptations Cabaret, or that she endorsed the Club.

177. Cerny has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

178. Campos is a Brazilian model who has appeared in *Playboy*, *Astonish*, *Viva Glam*, *Bliss*, *Arizona Foothills* magazine, for which she was the cover model. Campos has appeared in

advertising campaigns for many well known companies, including Arden B, Target, Chynna Dolls, Frederick's of Hollywood, ICollection, Elegant Moments, Drift Eyewear, Sexy Dresses, Sachika, and Marisa Kenson, has served as a spokesmodel for My Body Journey, and has appeared in the feature film *Last Vegas*.

179. That we know of, Campos is depicted in the photos in Exhibit "II" to promote Rick's Cabaret East on its Facebook page. This Image depicts Daniels in a variety of sexually suggestive outfits, each of which were intentionally altered to make it appear that Daniels was either a stripper working at Rick's Detroit or Rick's Palm Beach, or that she endorsed the Clubs. The Defendant published multiple pictures of Daniels on the Rick's Cabaret DFW

180. Campos has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

181. Roderick is a model and actress who has starred in movies such as *Starsky & Hutch*, *Dracula II*, *The Nanny Diaries*, *Snoop Dogg's Hood of Horror*, and more. On television, Roderick has starred in *Baywatch Hawaii*, *Surreal Life*, and *Celebrity Apprentice*. In print, Roderick has been featured in multiple magazines, and is internationally recognized for being *Playboy's* 2001 Playmate of the Year. In addition, Roderick owns her own film and television production company, which she founded in 2000, which has seen success under her guidance and vision. In addition, Roderick is the author of a bestselling book *Bounce don't break... a guide to life*. Roderick is married to ex NFL Linebacker Glen Cadrez.

182. That we know of, Roderick is depicted in Exhibit "JJ" to promote Jaguars Edinburg on its Facebook page. This Image depicts Roderick in a sexually suggestive outfit, and was intentionally altered to make it appear that Roderick was either a stripper working at Jaguars Edinburg, or that she endorsed the Club.

183. Roderick has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

184. Lancaster began her career as Miss Washington Teen USA, became a Seattle Seahawks cheerleader, and in 2008 joined *The Price is Right*. As an actress, Lancaster co-starred as Jenny Swanson on MTV's *The Hard Times of RJ Berger*, the feature film *Redline*, and has appeared on episodes of *Days of Our Lives*, *CSI: Miami*, *The Bold and the Beautiful*, *Community*, and *Entourage*. In addition, Lancaster has appeared as herself on *Attack of the Show*, *The Scream Awards*, and *The Best Damn Sports Show Period*. Lancaster has likewise been featured in numerous spreads and fashion features in magazines, including *Maxim*, *US Weekly*, *People*, *Stylewatch*, *Life & Style* and *Star*, and as also been featured as part of *Maxim*'s annual "Hot 100" list.

185. That we know of, Lancaster is depicted in the photos in Exhibit "KK" to promote Jaguars Abilene on its Facebook page. This Image depicts Lancaster in a sexually suggestive outfit, and was intentionally altered to make it appear that Lancaster was either a stripper working at Jaguars Abilene, or that she endorsed the Club.

186. Lancaster has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

187. Nicole is a well known professional model, who was named the January 2007 *Playboy* Playmate of the Month, and the 2008 Playmate of the Year. Nicole has been featured in *Maxim*, *Elle*, *Guitar World*, *Muscle & Fitness*, and others, and is an owner of various nightclubs and restaurants, including Cake Nightclub (locations in Arizona and San Diego), and Tacomadera in Los Angeles. She has 1.5 million followers on Instagram, and 245,000 followers



on Twitter.

188. That we know of, Nicole is depicted in the photos in Exhibit “LL” to promote the Down in Texas Saloon on its Facebook page. This Image depicts Nicole in a sexually suggestive outfit, and was intentionally altered to make it appear that Nicole was either a stripper working at the Down in Texas Saloon, or that she endorsed the Club.

189. Nicole has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

190. Hobbs is an American model, spokeswoman and businesswoman, who was the December 2010 *Playboy* Playmate of the month. Hobbs thereafter continued to work for and with *Playboy*, starring in the *Benchwarmer Series*, while also making personal appearances and videos. In addition, Hobbs has her own range of merchandise and an e-commerce site.

191. That we know of, Hobbs is depicted in the photos in Exhibit “MM” to promote the Rick’s North Austin on its Facebook page. This Image depicts Hobbs in a sexually suggestive outfit, and was intentionally altered to make it appear that Hobbs was either a stripper working at Rick’s North Austin, or that she endorsed the Club, a false impression is bolstered by the copy beside the stole Image of Hobbs which reads: “Come to Rick’s North Austin ... ask for our VIP hostess Abigail,” copy which was clearly meant to imply that Hobbs was the hostess at Rick’s North Austin.

192. That we know of, Killings is depicted in the photos in Exhibit “NN” to promote Onyx Club Dallas on its Facebook page. This Image depicts Killings in a sexually suggestive outfit, and was intentionally altered to make it appear that Killings was either a stripper working at Onyx Club Dallas, or endorsed the Club.

193. Killings has never been employed at any Rick’s Club, has never been hired to

endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

194. Guerra is a Cuban-born actress and model who has been named *FHM*'s Model of the Year, and has appeared in music videos for artists such as Kanye West and Nelly. In addition to her appearances in *FHM* – which voted her Number 26 in that its “Top 100 Sexiest Females” list -- Guerra has appeared in various other magazines, including *DUB*, *Smooth*, *Escape*, and *Open Your Eyes*. As an actress, Guerra has made multiple appearances on several Spanish language television programs, including, *El Gordo y la Flaca*, on Comedy Central's *The Chappelle Show*, in *National Lampoon's Dorm Daze 2*, and in commercials for various companies, including Burger King. Guerra also appeared in the video game “Scarface: The World Is Yours.” In addition to her modeling and acting endeavors, Ms. Guerra has produced her own swimsuit calendars (and accompanying “behind the scenes” DVDs), as well as and a 2006 DVD entitled, *Vida Guerra: Exposed*. Guerra is in high demand as a spokeswoman for fitness equipment, and in television shows and movies, and has over 260,000 Instagram followers.

195. That we know of, Guerra is depicted in the photos in Exhibit “OO” to promote Jaguars Edinburg, Rick's North Austin, and XTC Cabaret South Houston on their social media pages. These Images depicts Guerra in a sexually suggestive outfit, and was intentionally altered to make it appear that Guerra was either a stripper working at Jaguars Edinburg, or that she endorsed the Club.

196. Guerra has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

197. Johnson is a world renowned model who has appeared in *FHM*, *Maxim*, and *Stuff*.

She has also appeared in commercials and billboards Fredrick's of Hollywood, Coors Light, and Budweiser. Johnson been also featured in countless other catalogs, magazines, billboards, and television commercials and shows including, most recently, *Viva Glam*.

198. That we know of, Johnson is depicted in the photos in Exhibit "PP" to promote Rick's North Austin on its Facebook Page. This Image depicts Johnson in a sexually suggestive outfit, and was intentionally altered to make it appear that Johnson was either a stripper working at Rick's North Austin, or that she endorsed the Club, a false appearance bolstered by the fact that the Image shows Johnson shooting a bow and arrow and was meant to promote the Rick's North Austin's Valentine's Day Special.

199. Johnson has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

200. Decker is an American model, Playmate and actress, who has appeared in the Magic Silk lingerie catalogue, on the cover of *Kandy* and *Next Level* magazines, was named the 2015 Toyo Tires Girl, and has appeared in *Maxim*. Decker was the 2012 *Playboy* cyber girls of the year, was featured twice in *Playboy* (U.S.), and appeared on the cover of international *Playboy* editions in Croatia, Russia and South Africa.

201. That we know of, Decker is depicted in the photos in Exhibit "QQ" to promote Silver City Cabaret. This Image depicts Decker in a sexually suggestive outfit, and was intentionally altered to make it appear that Decker was either a stripper working at the Silver City Cabaret, or that she endorsed the Club.

202. Decker has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

203. Jaro is an American model, actress and spokesmodel, who has appeared in many major magazines, including *Lowrider* and *Modified*, and has graced the covers of many more. Jaro was selected as Penthouse Pet of the Month which has leveraged her career into a number of international lingerie catalogues and major music videos.

204. That we know of, Jaro is depicted in the photos in Exhibit “RR” to promote the Temptations Cabaret on its Facebook and Instagram pages. This Image depicts Jaro in a sexually suggestive outfit, and was intentionally altered to make it appear that Jaro was either a stripper working at Temptations Cabaret, or that she endorsed the Club, a false appearance bolstered by the copy beside the Image of Jaro, which reads: “COME SEE THE HOTTEST GIRLS FORT WORTH HAS TO OFFER.”

205. Jaro has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

206. Chesnes is an American model, actress and businesswoman, who was the July 2012 *Playboy* Playmate of the Month. Chesnes has close to a 500,000 followers on Facebook, 300,000 followers on Instagram, 100,000 followers on Twitter, and owns and runs her own e commerce web page.

207. That we know of, Chesnes is depicted in the photos in Exhibit “SS” to promote Temptations Cabaret on its Instagram pages. This Image depicts Chesnes in a sexually suggestive outfit, and was intentionally altered to make it appear that Chesnes was either a stripper working at Temptations Cabaret, or that she endorsed the Club.

208. Chesnes has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

209. O'Connor is an American actress, model, and television host, who is known for her appearance in *Maxim Magazine* as their "Helpful Hottie" advice girl, and one of the "top 10 hottest girls in America." O'Connor was a cast member in the series finale of "Two and a Half Men" on CBS, has also starred in a national commercial for Dave & Buster's, has partnered with Bellator MMA and others for the Game Show Network's *Baggage on the Road*. In 2014, O'Connor starred in national commercials for Budweiser, Black Crown, and PepsiNext, and she has appeared in print campaigns for Target, Macy's, *Sons of Anarchy*, Nickelodeon's *The Bratz*, Xbox, Pert Plus, Project Mermaids, DreamGirl Int'l, and Catch Surf among many others. As a host, O'Connor has had assignments on FOX News and on Maria Menounos' AfterBuzz TV, and was a presenter at the 2015 World MMA Awards. O'Connor has been named *Sports Illustrated's* Lady of the Day six times, and has been featured on *TMZ on TV*, *The Ricki Lake Show*, Comedy Central's *Key and Peele*, *Tosh.0*, and *The Doctors*, on CBS.

210. That we know of, O'Connor is depicted in the photos in Exhibit "TT" to promote Jaguars Abilene on its Facebook page. This Image depicts O'Connor in a sexually suggestive outfit, and was intentionally altered to make it appear that O'Connor was either a stripper working at Jaguars Abilene, or that she endorsed the Club.

211. O'Connor has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

212. Marta Krupa has been a contestant on "Dancing with the Stars" in Poland, a host on *FHM South Africa Calendar*, and has appeared on the covers of magazines worldwide, including *FHM*, *La Direct*, *Naluda*, and *Bay Harbor*. Marta Krupa has likewise appeared on 13 episodes of *The Real Housewives of Miami*, recently finished shooting a feature film entitled *You Can't Have It*, and, as a singer, currently has a single entitled "Limbo."

213. That we know of, Marta Krupa is depicted in the photos in Exhibit “UU” to promote Vivid Cabaret NYC on its Instagram page. This Image depicts Marta Krupa in a sexually suggestive outfit, and was intentionally altered to make it appear that Marta Krupa was either a stripper working at Vivid Cabaret NYC, or that she endorsed the Club.

214. Marta Krupa has never been employed at any Rick’s Club, has never been hired to endorse any Rick’s Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

215. Electra is an actress, recording artist, and entrepreneur who over the past two decades has consistently been one of Hollywood’s most versatile personalities. Electra was first signed by music superstar Prince, who produced her first, self-titled album on his Paisley Park record label. Electra then ventured into acting, first with regular roles on *Baywatch* and MTV’s *Singled Out*, and then into film, with starring roles in blockbuster hits including *Scary Movie*, *Dirty Love*, *Cheaper by the Dozen 2*, and *Meet the Spartans*. Electra won the role as the face of MAX Factor, following in the famous footsteps of Marilyn Monroe and Jaclyn Smith, and in 2006, became a published author with the release of her book, *How to be Sexy*. Electra also formed a dance troupe, The Bombshells, who perform nationwide, and recently released the fitness DVD series, “Carmen Electra’s Aerobic Striptease.” In 2009, Electra appeared live on stage in MGM Grand Vegas’ Crazy Horse Burlesque Show to sold-out audiences; in 2010, Electra starred in the film, *Oy Vey, My Son is Gay*, and in 2011 Electra starred in the film *2-Headed Shark Attack*, alongside Charlie O’Connell, served as a guest judge on *Britain’s Got Talent*, and made reoccurring guest appearances on CW’s hit show, *90210*. In 2012, Electra released her return-to-music single, “I Like it Loud,” featuring Grammy-nominated producer Bill Hamel, which hit the number 25 spot on Billboard’s Dance Club Play Chart. Since 2014 Electra has released numerous additional singles to worldwide acclaim. Electra can currently be seen as

the host of WEtv's new reality docu-series *Ex Isle* which premiered in January 2016. She has 2.5 million Facebook followers, 477,000 Instagram followers, and nearly 400,000 Twitter followers.

216. That we know of, Electra is depicted in the photos in Exhibit "VV" to promote Jaguars Longview, Temptations Sulphur, and XTC Cabaret North on their social media pages. These Images depict Electra in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Electra was either a stripper working at one of the above Rick's Clubs, or that she endorsed the Club.

217. Electra has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

218. Monzikova is a model and actress who has appeared in major motion pictures including *Iron Man 2*, and has been named one of the 100 Most Beautiful People in the World by *People Magazine*. Monzikova started her career on NBC's *Deal or No Deal*, and since that time has appeared in magazines such as *Maxim*, *Cosmopolitan*, *Vogue*, *Runway*, and many others. As an actress, Monzikova has appeared on the television shows *Melissa & Joey*, *Aspen*, *Bones*, *Body of Proof*, *CSI*, *Knight Rider*, *In Plain Sight*, as well as on the national commercial for Gilt.com, along with many others. Monzikova's film work includes *Zombie Apocalypse*, *Too Little Too Late*, *Somebody Marry Me*, *Seeking Dolly Parton*, *Surrogates* and many more.

219. That we know of, Monzikova is depicted in the photos in Exhibit "WW" to promote Jaguars Edinburg on its Facebook page. This Image depicts Monzikova in a sexually suggestive outfit, and was intentionally altered to make it appear that Monzikova was either a stripper working at Jaguars Edinburg, or that she endorsed the Club.

220. Monzikova has never been employed at any Rick's Club, has never been hired to endorse any Rick's Club, has received no remuneration for Defendants' unauthorized use of her

Image, and has suffered, and will continue to suffer, damages as a result of same.

***Defendants' Business***

221. As set forth herein, RCI Hospitality's 43 Rick's Clubs are marketed under various RCI-Hospitality-related banners, including Rick's Cabaret, Vivid Cabaret, Club Onyx, Jaguars Club, and XTC Cabaret. To wit:

With 43 units, RCI Hospitality Holdings, Inc., through its subsidiaries, is the country's leading company in adult gentlemen clubs and sports bars/restaurants. Adult clubs in New York City, Miami, Philadelphia, Charlotte, Dallas/Ft. Worth, Houston, Minneapolis, Indianapolis and other cities operate under brand names, such as "Rick's Cabaret," "XTC," "Club Onyx," "Vivid Cabaret," "Jaguars" and "Tootsie's Cabaret." Sports bars/restaurants operate under the brand name "Bombshells." Please visit <http://www.rcihospitality.com>

(Exhibit B)

222. According to RCI Hospitality's most recent 10-K, RCI Hospitality's "consumer marketing strategy is to position our brands as premier entertainment facilities that provide exceptional adult entertainment in a fun, yet discreet, environment. We use a variety of highly targeted methods to reach our customers including hotel publications, local radio, cable television, newspapers, billboards, tax-cab reader boards, and the Internet, as well as a variety of promotional campaigns. These campaigns ensure that our brand names are kept before the public." (Exhibit "B-1" at 6).

223. Likewise, RCI Hospitality promotes itself as having "extensive experience in gentlemen's club development, marketing, management, IT, and security. We know how to grow revenues and profits." (Exhibit A, at 1).

224. RCI Hospitality's consumer marketing strategy and use of "highly targeted methods" to "grow revenues and profits" includes misappropriating, altering, and publishing Images of Plaintiffs.



225. As set forth herein, these strategies and methods are implemented by Rick's Clubs nationwide, including, without limitation, and as set forth herein: Rick's Cabaret, in Manhattan, New York; Vivid Cabaret New York, in Manhattan, New York; Club Onyx Dallas, in Dallas, Texas; Rick's Cabaret DFW, in Fort Worth, Texas; Rick's North Austin, in Round Rock, Texas; Rick's Cabaret San Antonio, in San Antonio Texas; Rick's Cabaret East, in Fort Worth, Texas; Vee Lounge, in Fort Worth, Texas; Temptations Sulphur, in Lake Charles, Louisiana; Rick's Sporting Saloon, in New Orleans, Louisiana; Rick's Downtown Cabaret (Minnesota), in Minneapolis, Minnesota; Jaguars Harlingen, in Harlingen, Texas; Jaguars El Paso, in El Paso, Texas; Jaguars Edinburg, in Edinburg, Texas; Jaguars Abilene, in Abilene, Texas; Jaguars Phoenix, in Phoenix, Arizona; Jaguars Longview, in Longview Texas; XTC Cabaret North, in Houston, Texas; XTC Cabaret South, in Houston, Texas; XTC Cabaret Dallas, in Dallas, Texas; Down in Texas Saloon, in Austin, Texas; Tootsie's Cabaret, in Miami Gardens, Florida; Temptations Cabaret, in Aledo, Texas; Silver City Cabaret, in Dallas, Texas.

226. Each of these brands are advertised on the RCI Hospitality Website and are discussed throughout RCI Hospitality's public filings, and their practice of sharing particular Images and/or Images of particular models, is detailed herein.

227. As such, all of the Rick's Clubs can be said to be involved in a single enterprise, whose illegal advertising policies and procedures are created and controlled by RCI Hospitality and then implemented by each of the other Rick's Clubs.

***Rick's Cabaret New York***

228. Upon information and belief, Peregrine Enterprises and RCI Hospitality operate Rick's Cabaret New York, where they engage in the business of selling alcohol and food in an atmosphere where nude and/or semi-nude women entertain the business' clientele.

229. As set forth herein, Langan is the C.E.O. of both Peregrine Enterprises and RCI

Hospitality.

230. Upon information and belief, and in furtherance of their promotion of Rick's Cabaret New York and the Rick's Clubs brand, Peregrine Enterprises and RCI Hospitality own, operate and control the Rick's Cabaret New York website, as well as the Rick's Cabaret New York Facebook, Twitter, and Instagram accounts.

231. Peregrine Enterprises and RCI Hospitality use the Rick's Cabaret New York webpage, and the Rick's Cabaret New York Facebook, Twitter, and Instagram accounts, to promote Rick's Cabaret New York, and to attract patrons thereto.

232. Peregrine Enterprises and RCI Hospitality do this for their own commercial and financial benefit.

233. Peregrine Enterprises and RCI Hospitality have used, advertised, created, printed and distributed the Images of Plaintiffs, as further described and identified above, in order to create the false impression with potential clientele that these Plaintiffs either worked as a strippers at Rick's Cabaret New York, or endorse same.

234. Peregrine Enterprises and RCI Hospitality use Plaintiffs' Images, and created the false impression that they worked at or endorsed Rick's Cabaret New York, in order to receive certain benefits therefrom, including but not limited to: monetary payments; increased promotional, advertising, marketing, and other public relations benefits; notoriety; publicity; as well as an increase in business revenue, profits, proceeds, and income.

235. As Peregrine Enterprises and RCI Hospitality were at all times aware, at no point have any of the above named Plaintiffs ever been affiliated with or employed by Rick's Cabaret New York, and at no point have any of the Plaintiffs ever endorsed Rick's Cabaret New York.

236. All of Peregrine Enterprises and RCI Hospitality's activities, including their theft of Plaintiffs' Images, and publication of same, were done without the knowledge or consent of

Plaintiffs, and Peregrine Enterprises did not compensate Plaintiffs for its use of their Images.

237. As such, Plaintiffs have never received any benefit for Peregrine Enterprises' or RCI Hospitality's use of their Images.

***Vivid Cabaret New York***

238. Upon information and belief, RCI Dining Services (37th Street), Inc. and RCI Hospitality operate Vivid Cabaret New York, where they engage in the business of selling alcohol and food in an atmosphere where nude and/or semi-nude women entertain the business' clientele.

239. As set forth herein, Langan is the C.E.O. of both RCI Dining Services (37th Street), Inc. and RCI Hospitality.

240. Upon information and belief, and in furtherance of their promotion of Vivid Cabaret New York and the Rick's Clubs brand, RCI Dining Services (37th Street), Inc. and RCI Hospitality own, operate and control the Vivid Cabaret New York website, as well as the Vivid Cabaret New York Facebook, Twitter, and Instagram accounts.

241. RCI Dining Services (37th Street), Inc. and RCI Hospitality use the Vivid Cabaret New York webpage, and the Vivid Cabaret New York Facebook, Twitter, and Instagram accounts, to promote Vivid Cabaret New York, and to attract patrons thereto.

242. RCI Dining Services (37th Street), Inc. and RCI Hospitality do this for their own commercial and financial benefit.

243. RCI Dining Services (37th Street), Inc. and RCI Hospitality have used, advertised, created, printed and distributed the Images of Plaintiffs, as further described and identified above, in order to create the false impression with potential clientele that these Plaintiffs either worked as strippers at Vivid Cabaret New York, or endorse same.

244. RCI Dining Services (37th Street), Inc. and RCI Hospitality used Plaintiffs'

Images, and created the false impression that they worked at or endorsed Vivid Cabaret New York, in order to receive certain benefits therefrom, including but not limited to: monetary payments; increased promotional, advertising, marketing, and other public relations benefits; notoriety; publicity; as well as an increase in business revenue, profits, proceeds, and income.

245. As RCI Dining Services (37th Street), Inc. and RCI Hospitality were at all times aware, at no point have any of the above named Plaintiffs ever been affiliated with or employed by Vivid Cabaret New York, and at no point have any of the Plaintiffs ever endorsed Vivid Cabaret New York.

246. All of RCI Dining Services (37th Street), Inc. and RCI Hospitality's activities, including its theft of Plaintiffs' Images, and publication of same, were done without the knowledge or consent of Plaintiffs, and RCI Dining Services (37th Street), Inc. did not compensate Plaintiffs for its use of their Images.

**FIRST CAUSE OF ACTION**  
**(Violation of §43 of the Lanham Act, 15 U.S.C. §1125 *et seq.*:  
False Endorsement)**

247. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

248. The provisions of the Lanham Act, 215 U.S.C. §1125, *et seq.* apply to Defendants, and protect Plaintiffs from the conduct described herein.

249. Defendants used Plaintiffs Images in order, *inter alia*, in order to create the false impression with the public that Plaintiffs either worked at one or more of the Clubs, or endorsed one of more of the Clubs.

250. This was done to promote and attract clientele to the Clubs, and thereby generate revenue for the Defendants.

251. Thus, this was done in furtherance of Defendants' commercial benefit.

252. Despite the fact that Defendants were at all times aware that Plaintiffs neither worked at, nor endorsed, the Clubs, Defendants nevertheless used Plaintiffs Images in order to mislead potential customers as to Plaintiff's employment at and/or affiliation with the Clubs.

253. Defendants knew that their use of Plaintiffs' Images would cause consumer confusion as to Plaintiffs' sponsorship and/or employment at the Clubs.

254. Upon information and belief, Defendants use of Plaintiffs' Images did in fact cause consumer confusion as to Plaintiffs employment at and/or endorsement of the Clubs, and the goods and services provided by the Clubs.

255. Due to Defendants unauthorized use of Plaintiffs' Images in order to create a false endorsement prohibited by section 43 of the Lanham Act, Plaintiffs has been damaged in an amount to be determined at trial, but in all events not less than seventy five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

**SECOND CAUSE OF ACTION**  
**(Violation of N.Y. Civ. Rights Law §§ 50-51)**

256. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

257. As set forth herein, Defendants have violated N.Y. Civil Rights Law §§ 50-51 by invading Plaintiffs' privacy, misappropriating their likeness, and publishing on the Clubs' websites or related social media accounts altered Images of Plaintiffs which made it appear as though Plaintiffs were employed at one or more of the Clubs, or endorsed one or more of the Clubs.

258. At all relevant times, the Clubs' websites and social media accounts were used and operated by Defendants for advertising and trade purposes.

259. The Clubs' websites and social media accounts were designed to attract business

to the Clubs and generate revenue for Defendants.

260. Upon information and belief, Defendants use of Plaintiffs' Images did in fact attract clientele and generate business for the Clubs.

261. At no point did any Defendant ever receive permission or consent, be it written or otherwise, to use any Plaintiffs' Image on their website or social media account.

262. Defendants were at all relevant times aware that they never received any Plaintiffs' permission or consent to use their Images on any website or social media account, or on any other medium, in order to promote the Clubs.

263. At no point did Defendants ever compensate Plaintiffs for its use of their Images.

264. No applicable privilege or authorization exists for Defendants' use of Plaintiffs' Images.

265. Due to Defendants' violation of Plaintiffs' rights of privacy and publicity under sections 50 and 51 of the N.Y. Civil Rights Act, Plaintiffs has been damaged in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars (\$75,000.00), exclusive of punitive and exemplary damages.

266. In addition, and pursuant to section 51 of the N.Y. Civil Rights Act, Plaintiffs hereby requests an Order permanently enjoining Defendants from violating Plaintiffs' right to privacy and publicity.

267. In addition, and likewise pursuant to section 51 of the N.Y. Civil Rights Act, Plaintiffs hereby request an award of punitive damages, in an amount to be determined at trial, due to Defendants knowing and intentional violation of their statutory rights to privacy and publicity.

**THIRD CAUSE OF ACTION**  
**(Violation of N.Y. General Business Law § 349:**  
**N.Y. Deceptive Trade Practices Act)**

268. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

269. Defendants operated the Clubs' websites and social media accounts in order to promote the Clubs, to attract clientele thereto, and to thereby generate revenue for Defendants. As such, Defendants' operation of the websites and social media accounts, and their publication of Images thereon, was consumer-oriented in nature.

270. Defendants published Plaintiffs' Images on the Clubs' websites and social media accounts in order to create the false impression that Plaintiffs were either strippers working at the Clubs, or endorsed the Clubs.

271. As such, Defendants' intent in publishing Plaintiffs' Images was to mislead the public as to Plaintiffs' employment at and/or affiliation with the Clubs.

272. As Defendants were at all times aware, Plaintiffs never worked at any of the Clubs, never endorsed any of the Clubs, and never had any affiliation with any of the Clubs.

273. Defendants publication of Plaintiffs' Images was done without any Plaintiffs' consent and was misleading in a material respect because it created the impression that Plaintiffs were strippers working at the Clubs, or endorsed the Clubs.

274. As a result of Defendants' unauthorized and misleading publication of Plaintiffs' Images on their Club websites and social media accounts, each of the Plaintiffs' reputations was injured, and each of the Plaintiffs' ability to market herself as a model was injured.

275. As a result of Defendants' unauthorized and misleading use of Plaintiffs' Images, Plaintiffs have been injured in an amount to be determined at trial, but in all events in an amount not less than seventy-five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

**FOURTH CAUSE OF ACTION**  
**(Defamation)**

276. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

277. As detailed throughout this Complaint, Defendants have published altered Images of Plaintiffs in order to promote their Clubs to the general public and potential clientele.

278. Defendants publication of said Images constitutes a representation that Plaintiffs was either employed by one or more of the Clubs, that they endorsed one or more of the Clubs, or that they had some affiliation with one or more of the Clubs.

279. None of these representations were true.

280. In publishing Plaintiffs' altered Images, it was Defendants' intention to create a false impression to the general public that Plaintiffs were strippers working at the Clubs, or endorsed the Clubs.

281. Defendants were at least negligent in publishing Plaintiffs' Images because they knew, or should have known, that Plaintiffs were not employed by the Clubs, had no affiliation with the Clubs, had not consented to the use of their Images, and had not been compensated for the use of their Images.

282. In the alternative, Defendants published the Images of Plaintiffs with actual malice because they knew that Plaintiffs were not employed by the Clubs, had no affiliation with the Clubs, had not consented to the use of their Images, and had not been compensated for the use of their Images.

283. Despite Defendants' knowledge and awareness of these facts, they nevertheless made the decision to publish Plaintiffs' Images to attract clientele and generate revenue for themselves.



284. Defendants' publication of Plaintiffs' Images constitutes defamation under New York law because said publication falsely accuses Plaintiff of having acted in a manner – *i.e.*, working as a stripper and/or endorsing a strip club - which would subject each Plaintiff to hatred, shame, obloquy, contumely, odium, contempt, ridicule, aversion, ostracism, degradation, or disgrace, and/or could induce an evil opinion of Plaintiffs in the minds of right-thinking persons, and/or could deprive each Plaintiff of confidence and friendly intercourse in society.

285. Defendants' publication of Plaintiffs' Images likewise constitutes defamation *per se* under New York law because said publication would tend to injure each Plaintiff in her trade, business, and profession as a professional model.

286. This is because any company or brand that sought to hire any of the Plaintiffs as a company or brand representative would be less likely to do so upon learning that she was a professional stripper and/or promoting as strip club, an inference which Defendants' publication of the Images support.

287. Defendants' publication of Plaintiffs' Images likewise constitutes defamation *per se* under New York law because, insofar as said publication falsely portrays each of the Plaintiffs as a stripper, it imputes unchastity to her.

288. Defendants' publication of Plaintiffs' Image' caused Plaintiffs to suffer damages in an amount to be determined at trial, but in all events in an amount not less than seventy five thousand (\$75,000), exclusive of punitive and exemplary damages.

**FIFTH CAUSE OF ACTION**  
**(Negligence and *Respondeat Superior*)**

289. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

290. Upon information and belief, Defendants were negligent in their failure to

promulgate policies and procedures concerning the misappropriation of the Images of models that were used on the Clubs' websites and social media accounts.

291. Said failure was the proximate cause of the harm Plaintiffs suffered when their Images were published without their authorization.

292. In the alternative, and upon information and belief, although Defendants promulgated policies and procedures concerning the misappropriation of Images, Defendants nevertheless negligently failed to enforce those policies, communicate them to employees, and/or supervise their employees in order to ensure that these policies, along with Federal and New York law, were not violated.

293. In addition, Defendants had a duty to refrain from appropriating the Images of those with whom it had not contracted, and had not paid.

294. Defendants violated said duty by its negligent hiring, screening, retaining, supervising, and/or training of its employees and agents.

295. As a result of Defendants' negligence, Plaintiffs have suffered damages in an amount to be determined at trial, but which in all events are in excess of seventy five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

**SIXTH CAUSE OF ACTION**  
**(Conversion)**

296. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

297. Each Plaintiff is, and at all relevant times were, the exclusive owners of all right, title and interest in their Images, and have property interests therein.

298. By the conduct detailed above, Defendants converted Plaintiffs' property rights in their Images for their own use and financial gain Images for its own use and financial gain.

299. As a result of Defendants' unlawful conversion of Plaintiffs' Images, and publication of same, Plaintiffs have suffered damages in an amount to be determined at trial, but in all events in an amount not less than seventy five thousand (\$75,000), exclusive of punitive and exemplary damages.

**SEVENTH CAUSE OF ACTION**  
**(Unjust Enrichment)**

300. Plaintiffs hereby repeat and realleges each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

301. As set forth in detail above, Defendants published Plaintiffs' Images in order to promote the Clubs to the general public and potential clientele.

302. Defendants' publication was for the purpose of creating a false impression to the general public that Plaintiffs were either strippers working at the Clubs, or endorsed the Clubs.

303. Defendants' purpose in publishing Plaintiffs' Images was to benefit commercially due to their purported association with, employment of, and/or endorsement by Plaintiffs.

304. Upon information and belief, Defendants did in fact benefit commercially due to their unauthorized use of Plaintiffs' Images.

305. Defendants have been enriched by their unauthorized control over, and publication of, Plaintiffs' Image because said publication has assisted Defendants in attracting clientele to their Clubs.

306. Plaintiffs have not been compensated for Defendants' commercial exploitation of their Images, and thus any financial benefit which Defendants received due to said exploitation is unjust.

307. As such, Plaintiffs have been damaged in an amount to be determined at trial, but in all events in an amount not less than seventy five thousand (\$75,000), exclusive of punitive

and exemplary damages.

**EIGHTH CAUSE OF ACTION**  
**(Quantum Meruit)**

308. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

309. Plaintiffs are each world famous models who earn their livings appearing in, *inter alia*, commercials, advertisements, and publications on behalf of companies and brands.

310. Companies and brands that choose to hire Plaintiffs compensate them for their appearances.

311. Although Defendants have availed themselves of the benefit of being associated with Plaintiffs, and making it appear to potential customers that Plaintiffs either work at their Club, or endorse their Club, Defendants have not compensated Plaintiffs.

312. Plaintiff is therefore entitled to reasonable compensation for the Clubs' unauthorized use of their Images.

**DEMAND FOR JURY TRIAL**

313. Plaintiffs demand trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request Judgment in their favor and against Defendants as follows:

(a) For actual damages, in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars (\$75,000.00), relating to Plaintiffs' first through eighth causes of action;

(b) For an order permanently enjoining Defendants from using Plaintiffs' Images to promote the Clubs;

(c) For punitive damages, in an amount to be determined at trial;

(d) For all costs and attorneys' fees incurred by Plaintiffs in the prosecution of this Action;

(e) For such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
March 26, 2016

**THE CASAS LAW FIRM, P.C.**

By: /s/ John V. Golaszewski

John V. Golaszewski, Esq.

1745 Broadway, 17<sup>th</sup> Floor

New York, New York

T: 855.267.4457

F: 855.220.9626

By: /s/ Joseph N. Casas

Joseph N. Casas, Esq. (CASB 225800)

*\*pro hac vice application pending*

By: /s/ Dennis Postiglione

Dennis Postiglione, Esq. (TXSB 225800)

*\*pro hac vice application pending*

*Attorneys for Plaintiffs*